

### **Remarks**

Claims 1-22 remain in this application. Claim 23 has been added. No claims have been cancelled or withdrawn.

For the reasons more fully outlined below and in the original specification, Applicant respectfully submits that the pending claims 1-23 are in condition for allowance and respectfully requests reconsideration and withdrawal of all rejections.

### **Rejections Under 35 U.S.C. § 112**

Claims 1-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. This rejection is understood to be based on the premise that the specification and drawings do not disclose "a minimum time period based on a pre-determined retention policy."

Applicant has amended claims 1, 4, 13, 15, 17, and 20 to more particularly articulate the subject matter that Applicant regards as the invention. For example, claim 1 recites creating an electronic tag that is associated with a specified time period for compliance with a pre-determined network security policy and automatically denying a request to delete the electronic record before expiration of the specified time period associated with the electronic tag.

Applicant respectfully submits that the claims, as amended, are supported by the disclosure.

The specification discloses at page 6, line 32 to page 7, line 10:

"One preferred embodiment of the present invention includes a system that provides for management functions related to electronic records, such as the

selective purging of emails. The sender or *[sic]* may determine whether an email is purgeable or not purgeable by the recipient. Alternatively, the system may determine the purge characteristics of a particular email based on the information stored in the electronic tag.

"The policy monitor 110 works with the policy effectiveness module 120 to provide network user compliance monitoring with network security policy stored in a database, it electronically evaluates network security policy compliance based on network user compliance, and it undertakes a network policy compliance action in response to network security policy compliance. Network user compliance monitoring is defined as monitoring network activity to insure users are in compliance with the organization's network security policies. Network security policies typically include a set of rules designed to limit an organization's risk and liability."

Further, the specification discloses at page 9, lines 9-11 and 15-20:

"Another optional policy is to require all internal email messages ... to be purged daily, so that no internal record is maintained.

....

"Email policy options may be integrated into the policy compliance monitor 110 and the document management system 135 so that all email messages, originating from within the organization can be indexed, recorded, retrieved, tracked and purged in the central repository database of the document management system 135. Further, all email messages may be assigned an electronic tag which may be copied to, recorded and retrieved from intranet web servers of the document management system 135 and may be measured for policy compliance by the policy compliance monitor 130."

Further, the specification discloses at page 19, lines 10-14:

"Block 615 represents the system 140 recording the recipient's opening the email message's electronic tag. After a specified period of time has elapsed, the message may disappear from the screen and the system 140 may begin to purge the email message from the network user's email application, the sender's email application and the email log file."

In view of at least the foregoing passages in the originally-filed specification, in which the term "network security policy" appears frequently, Applicant respectfully submits that the disclosure supports independent claims 1, 13, and 17, as well as dependent claims 2-12, 14-16, and 18-22. Accordingly, Applicant respectfully requests that the claim rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-4, 15, and 17-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,108,688 to *Nielsen* in view of U.S. Patent No. 5,245,532 to *Mourier*, and further in view of [http://www.ustrim.com/trim/page\\_31.htm](http://www.ustrim.com/trim/page_31.htm) [hereinafter *ustrim*]. This rejection is understood to be based in part on the premise that *Nielsen* teaches creating an electronic tag that uniquely identifies the electronic record, the electronic tag being associated with a minimum retention period for compliance with the predetermined retention policy (col. 2, lines 5-30) and sending the electronic record to a recipient (col. 2, lines 57-66). The rejection is understood to be further based in part on the premise that *ustrim* teaches denying a request to delete the electronic record before expiration of the minimum retention period

associated with the electronic tag (page 1, "Retention & Disposal of Records" and accompanying screenshot). In addition, the rejection is understood to be based in part on the premise that *Mourier* discloses storing the at least one electronic tag in a central repository (col. 4, lines 12-15).

Applicant traverses the rejection. At col. 2, lines 5-30, *Nielsen* discloses that

In a preferred embodiment, an automatic method of providing to a sender of an electronic mail message a reminder if the message is not received by the recipient prior to a selected time includes the steps of designating a specified time for the sender to receive a response from the recipient, and adding to the message a tag requesting a response to the message.

Preferably, the tag consists of a header to the message. A record of the message and the specified time are then stored on the sender's system, and the message sent, with the tag, to the recipient. The sender's system then monitors new messages incoming to the sender to detect at least one of two conditions. First, the system looks for new messages which have a tag corresponding to one of those sent by the sender. Second, the system checks for new messages without tags, but with corresponding subjects. If a new message is found with a tag or a corresponding subject, the record of the corresponding message in the sender's terminal is marked as acknowledged (or deleted), and all other records are left unchanged. This process is repeated for each incoming message. At the

specified time (or slightly before it), the sender's system determines whether the record has been marked as acknowledged. If the record has not been marked, then the sender's system displays an indication to the sender that no response has been received to the message. Alternatively, rather than simply display a message, the sender's terminal can also place a telephone call, activate a pager, or take other action.

(emphasis added)

Accordingly, Applicant respectfully submits that, as indicated by the above-quoted language, *Nielsen* does not teach creating an electronic tag that is associated with a minimum retention period for compliance with a predetermined retention policy. Rather, *Nielsen* discloses adding a tag to a message for the purpose of requesting a response to the message. The tag does not indicate a minimum retention period, but rather is used to determine whether a recipient has responded to the message.

*Ustrim* discloses that

In order to manage the retention and disposal of records, organizations develop Retention Schedules (also known as Disposal Schedules or Archive Authorities). Important records are retained

- to meet legal requirements
- for essential organization needs (vital records)
- for their information value

- for historical significance

Authorities must have "trigger events" which assist with the process of determining when records may be sent to inactive storage, destroyed, or archived.

(formatting in original; screenshot omitted)

The accompanying screenshot appears to depict a dialog window describing a retention schedule for audit purposes, including archiving an item 2 years after an action is complete and destroying the item 6 years after the action is complete.

There is no teaching, either in the text or in the screenshot, of "automatically denying a request to delete [an] electronic record before expiration of the specified time period associated with the electronic tag," as recited in claim 1.

Based on at least the above reasoning, *Nielsen* does not disclose or suggest a minimum retention period for compliance with a predetermined retention policy, as recited in the claims, either alone or in combination with *Mourier* or *ustrim*. The cited art, either alone or in combination, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of the rejection of claims 1-4, 15, and 17-20 under 35 U.S.C. § 103(a) as unpatentable over *Nielsen* in view of *Mourier*, and further in view of *ustrim* is respectfully requested.

Claims 5-12, 16, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,108,688 to *Nielsen* in view of U.S. Patent No. 5,245,532 to *Mourier* and further in view of U.S. Patent No. 5,786,817 to *Sakano et al.* [hereinafter *Sakano*]. This rejection is understood to be based in part on the same premise as the rejection of claims 1-4, 15, and 17-20 described above. The rejection is further understood to be based in part on the premise that *Sakano*

discloses the electronic tag being generated at least in part as a function of at least one of the registry, the user profile, and the reference code (col. 4, lines 61-64).

The above remarks addressing the rejection of claims 1-4, 15, and 17-20 apply with equal force to claims 5-12, 16, 21, and 22. In addition, *Sakano* does not teach "automatically denying a request to delete [an] electronic record before expiration of the specified time period associated with the electronic tag," as recited in claim 1, from which claims 5-12 are dependent, in claim 13, from which claim 16 is dependent, or in claim 17, from which claims 21-22 are dependent. Rather, *Sakano* teaches that an "electronic mail whose retention period has expired is deleted according to an operation sequence shown in FIG. 5" (col. 4, lines 28-29). Figure 5 of *Sakano* does not disclose denying a request to delete an electronic record, but rather discloses a particular technique for deleting an electronic mail whose retention period has expired.

For at least these reasons, Applicant respectfully submits that the cited art, either alone or in combination, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,245,532 to *Mourier* in view of U.S. Patent No. 6,108,688 to *Nielsen*, and further in view of *ustrim*. This rejection is understood to be based in part on the same premise as the rejection of claims 1-4, 15, and 17-20 described above.

The above remarks addressing the rejection of claims 1-4, 15, and 17-20 apply with equal force to claim 13. For at least these reasons, Applicant respectfully submits that the cited art, either alone or in combination, does not teach or suggest

Applicant's invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.



**Conclusion**

On the basis of the foregoing amendments, remarks, and papers of record, Applicant respectfully submits that the remaining claims 1-22 and newly submitted claim 23 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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